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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,109	11/30/2001	Sean S. Josephson,	15-NM-6150 (070191-0324)	4424

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EXAMINER

CONLEY, FREDRICK C

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,109

Applicant(s)

JOSEPHSON ET AL.

Examiner

Fredrick C Conley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7-16,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 3,6 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 contains the trademark/trade name Kevlar. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe the fastening means and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 16, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,567,894 to Bergman.

In reference to claim 1, Bergman discloses a patient transport system for transporting a patient from a magnetic resonance imaging system to a second imaging system, the patient transport system comprising:

an elongated member 118 having an upper surface configured to support a patient;

a first coupling mechanism 16 coupled to the elongated member configured to removably couple the elongated member to the magnetic resonance imaging system; and

a second coupling mechanism 59 coupled to the elongated member configured to removably couple the elongated member to a second imaging system.

In reference to claim 16, Bergman discloses a patient transport system for transporting a patient between two different medical imaging modalities, the patient transport system comprising:

a patient support surface/(patient cradle)(col. 3 lines 41-43) comprising an end compatible with a coupling arrangement 16 on an imaging system;

a table 118 separable from the patient support surface and configured to receive the patient support surface and to move the patient support surface between different rooms of a building ; and

a coupling device 59 configured to couple the patient support surface to the table, wherein the coupling device comprises an actuator (col. 7 lines 14-21) configured to disconnect the patient support surface from the table.

Regarding claim 20, wherein the table comprises wheels configured to move the table along a floor (fig. 4).

Regarding claim 21, wherein the actuator is actuated by a human operator.

Claims 9-10, 12-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by 5,490,297 to Bradcovich et al.

In reference to claim 9, Bradcovich discloses a patient transport system for transporting a patient in a medical imaging environment, comprising an elongated patient support member having a first end opposite a second end, wherein the first end is configured to be coupled to a magnetic resonance imaging device and the second end is configured to be coupled to an X-ray imaging device (col. 5 lines 59-62).

Regarding claim 10, wherein the elongated patient support member is suitable for use in both a magnetic resonance imaging environment and an X-ray imaging device (col. 5 lines 42-49).

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Regarding claim 12, further comprising a plurality of wheels 24 coupled to the elongated patient support member configured to roll the elongated patient support member along a floor.

Regarding claim 13, wherein the elongated patient support member comprises a table 126 and a patient cradle 128 resting on the table, wherein the table comprises a mounting surface configured to receive the patient cradle in a substantially fixed relationship (col. 6 lines 13-26), wherein the table includes a plurality of wheels 24 configured to roll the elongated patient support member along the floor.

Regarding claim 15, wherein the elongated patient support member is configured to support a cantilevered human patient load at a second end (col. 6 lines 18-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, and 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,490,297 to Bradcovich et al.

In reference to claims 2, 4, and 5, Bergman discloses all of the Applicant's claimed limitations except for the elongated member comprising a cradle and a table wherein the cradle rest on the table. Bradcovich discloses a cradle 128 resting on a table 126 of an elongated member. It would have been obvious at the time of the invention to employ the cradle and table with the elongated member in order to provide an imaging table which can transport and support a patient between MRI and X-ray devices within an medical center.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 4,145,612 to Cooper.

In reference to claim 7, Bergman discloses all of the Applicant's claimed limitations except for the elongated member comprised of Kevlar. Cooper discloses an elongated member comprised of Kevlar (col. 3 lines 28-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the elongate

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member comprised of Kevlar in order to provide a composite that results in a scratch resistant patient support surface.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 4,567,894 to Bergman in view of U.S. Pat. No. 5,210,893 to Uosaki et al.

In reference to claim 8, Bergman discloses all of the Applicant's claimed limitations except for the elongated member having an arcuately shaped cross-section. Uosaki discloses that it is well known for an elongated member 30 to have an arcuately shaped cross-section (fig. 2). Since it is well known it would have been obvious to one having ordinary skill in the art at the time of the invention to have an arcuately shaped elongate member in order to move a portion of a subject to the apparatus for diagnosis.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,490,297 to Bradcovich et al in view of 4,145,612 to Cooper.

In reference to claim 11, Bradcovich discloses all of the Applicant's claimed limitations except for the elongated member comprised of Kevlar. Cooper discloses an elongated member comprised of Kevlar (col. 3 lines 28-30). It would have been obvious to one having ordinary skill in the art at the time of the invention to have the elongate member comprised of Kevlar in order to provide a composite that results in a scratch resistant patient support surface.

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Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,490,297 to Bradcovich et al., in view of U.S. Pat. No. 4,567,894 to Bergman.

Regarding claim 14, Bradcovich discloses all of the Applicant's claimed limitations except for a manually-actuated locking mechanism. Bergman discloses a manually-actuated system (108,110,154,156,162). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a manually actuated system to provide a powering means that positions the cradle relative to the table in order to prevent any electrical connections or objects between the table and the magnet that may disturb the homogeneity of the magnetic field during imaging.

Allowable Subject Matter

Claims 3, 6 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are 305-7687 for regular communications and 3057687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FO

February 6, 2003


TERI PHAM LUU
PRIMARY EXAMINER